



State of New Jersey

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ADDRESS REPLY TO:

JAN 27 1999

January 26, 1999

**By Delivery Service**

Ms. Magalie R. Salas, Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

Re: *In the Matter of The Communications Assistance for Law Enforcement Act*, Notice  
of Proposed Rulemaking, CC Docket No. 97-213.

Dear Ms. Salas:


Enclosed for filing in the above-referenced proceeding is an original and four (4) copies  
of the reply comments by the New Jersey State Police regarding the implementation of the  
assistance capability requirements as required by Section 107 of the Communications Assistance  
for Law Enforcement Act, 47 U.S.C. § 1006.

An additional copy of comments is enclosed to be stamped "received" and returned.

Thank you very much for your attention to this matter.

Sincerely,

FOR COLONEL C. A. WILLIAMS  
SUPERINTENDENT

  
Kevin McPartland, Major  
Supervisor  
Intelligence Services Section

Enclosure

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

RECEIVED

JAN 27 1999

MAIL ROOM

In the Matter of:

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CC Docket No: 97-213

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Communications Assistance for Law

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Enforcement Act

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**Reply Comments of the New Jersey State Police  
Regarding Implementation of the  
Communications Assistance for Law Enforcement Act**

Major Kevin McPartland  
Section Supervisor  
Intelligence Services Section  
New Jersey State Police  
PO Box 7068 River Road  
West Trenton, NJ 08628-0068

## **I. INTRODUCTION**

The New Jersey State Police respectfully submits its reply comments in the above referenced proceeding.

The New Jersey State Police believes that an important distinction must be made prior to proceeding with its comments. The purpose of the Communications Assistance for Law Enforcement Act (CALEA) is to preserve law enforcement's existing abilities to conduct electronic surveillances. The nine assistance capabilities that are missing from the interim industry standard, J-STD-025, are essential for law enforcement to maintain its *current* electronic surveillance capabilities. These nine items are not a "wish list" as characterized by Bell Atlantic's December 14, 1998 comments and are not being proposed as a means of expanding law enforcement's existing surveillance capabilities. The nine capabilities provide information that is essential to the collection of evidence for presentation in a criminal proceeding. The nine identified capabilities need to be included in the CALEA solution standard.

In the December 10, 1998 letter, the New Jersey State Police commented on specific missing assistance capabilities including: in-band and out-of-band signaling, surveillance status, and feature status. It is the intent of the New Jersey State Police to provide additional detail in support of granting all nine assistance capabilities.

## **II. IN-BAND AND OUT-OF-BAND SIGNALING**

The Commission seeks comment on what types of in-band and out-of-band signaling should constitute a technical requirement necessary to meet the CALEA assistance capability requirements. Currently, law enforcement agencies (LEAs) receive call progress tones including, but not limited to, ringing, busy signals, and/or call waiting signals. These tones are all in-band signals and can be decoded by pen register equipment installed on the local loop. However, with

the onset of a switch-based intercept environment, these progress tones will not be accessible to law enforcement according to the current J-STD-025 standard. It is crucial that LEAs continue to receive a notification message when any network messages are sent to a subject's facilities under surveillance regardless of whether it is in-band or out-of-band signaling.

Progress tones provide evidentiary information. For example, delivery of a fixed number of rings can be a signal for the initiation of some action. Further, these signals may be utilized by LEAs to make tactical deployment decisions. To preserve law enforcement's existing capabilities, it is necessary that notification of in-band or out-of-band signaling be sent to LEAs.

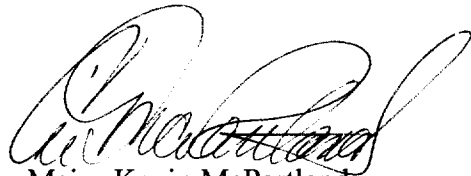
### **III. SURVEILLANCE STATUS**

The Further Notice of Proposed Rulemaking (FNPRM) incorrectly concludes that surveillance status messages are not required under section 103 of CALEA. When LEAs attach electronic surveillance equipment to the local loop, it affords them the ability to verify line identification instantaneously. In the switched-based intercept environment, the service provider is the enabler of the electronic surveillance equipment. Therefore, law enforcement depends completely upon a service provider to ensure the wiretap has been properly established and continues to function correctly.

Based upon experiences of the New Jersey State Police in the wireless environment, which is most akin to a switched-based intercept environment, the operational problems stated in the December 10, 1998 comment letter will be compounded. In one instance, a service provider represented that an intercept was in place; yet, through investigative means, the New Jersey State Police were able to determine that it was not properly installed. In fact, a "dead" line was being monitored. On another occasion, a service provider assigned the subject of a surveillance and an innocent subscriber to the same surveillance line; in essence, the State Police were monitoring a

## **V. CONCLUSION**

For the reasons stated above, the Federal Communications Commission should include these assistance capabilities in the CALEA solution standard, in addition to those already tentatively granted to law enforcement. Further, the New Jersey State Police supports the comments submitted by the Federal Bureau of Investigation, CALEA Implementation Section, and stands willing to provide additional examples or documentation as necessary.

A handwritten signature in black ink, appearing to read 'Kevin McPartland', is written over a faint, larger signature that appears to read 'P. McPartland'.

Major Kevin McPartland  
Section Supervisor  
Intelligence Services Section  
New Jersey State Police  
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